

OVERVIEW OF LICENSING 2019 - 2020

Executive Summary

This report has been drafted to provide the Licensing Committee with an overview of the Licensing Department's work in 2019 – 2020. This year has been an unprecedented year which no one could have predicted. As such, the report outlines some of the steps taken by the department to continue to work during the pandemic and adapt our processes moving forward together with usual statistics and overview of the year.

Recommendations

The Committee is requested to:

RESOLVE That the report be noted.

The Committee has the authority to determine the recommendation(s) set out above.

Background Papers: None.

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1.0 Introduction

- 1.1 This report has been drafted to provide the Licensing Committee with an overview of the Licensing Department's work in 2019 – 2020. This year has been an unprecedented year which no one could have predicted. As such, the report outlines some of the many steps taken by the department to continue to work during the pandemic and adapt our processes moving forward together with usual statistics and overview of the year.
- 1.2 The department has taken steps to assist drivers and businesses to continue to work where possible and provide advice on the new Covid regulations. To this regards, it has worked closely with Environmental Health and Surrey Police.
- 1.3 The attached appendices provide a thorough overview of the year as follows:-
 - Appendix 1 is a report from the Licensing Department on the work which has taken place during the 2019/20 financial year.
 - Appendix 2 is an overall summary of the statistics relating to licences issued and dealt with.
 - Appendix 3 is a list of the revocations and refusals that have taken place over the last year.

2.0 Implications

Financial

- 2.1 None arising from this report.

Human Resource/Training and Development

- 2.2 None arising from this report.

Community Safety

- 2.3 None arising from this report.

Risk Management

- 2.4 None arising from this report.

Sustainability

- 2.5 None arising from this report.

Equalities

- 2.6 None arising from this report.

Safeguarding

- 2.7 None arising from this report.

3.0 Conclusion

- 3.1 That the report be noted.

Overview of the year

October 2019

Driver Applications received	58
Driver Licences issued	15
Vehicle Applications received	74
Vehicle Licences issued	71

The October Licensing Committee was held on the 8th, and items discussed were the introduction of a Knowledge Test for Operators and a proposed introduction of a requirement for Operator Door Signs to be Vinyl Stickers. Following extensive discussion on both subjects – the Operators Knowledge Test was introduced but the Door Signs policy was deferred. The Operators were to be given till the 1st of April 2020 in order to complete this.

The Knowledge Test was finalised and prepared over the following weeks – and were written to in December 2019. Further info on this can be found below.

In October 2019, the Licensing Authority identified fifteen vehicles that were “dual plating” i.e. being licenced by both WBC and Transport for London (TfL). As a licenced vehicle remains licenced at all times, it is a breach of TfL licensing laws to have the WBC signage on (and take off the TfL) and it is a breach of WBC Licensing laws to take the WBC signage off and have the TfL signage on. Drivers were written to on the 24th of October and given 14 days to rectify the problems – all of whom did promptly and without issue.

In February 2018 the Licensing Committee decided to implement the County wide requirement for CSE (Child Sexual Exploitation) training for all drivers. The aim of this was to ensure that drivers were able to know what to look out for and report it where possible.

Existing drivers were to complete this by the 18th of June 2019. Those who had not completed the course received several letters between June and October reminding them of the requirement. The Licensing Department went to great lengths to follow up with the drivers and help them with the process.

On the 10th of October 2019 the Licensing Department wrote to all those who hadn't completed the course to give them one final chance to complete the course and inform them that if not, their licences would be suspended. On the 25th of October we wrote to the thirty-seven drivers who had not yet completed this course in order to advise them of these suspensions. In follow up to these letters the vast majority completed their CSE course and their licences were not suspended.

The Licensing Authority is pleased to confirm that all those who currently hold a licence in the borough have completed their CSE training and as all new applicants are required to complete the training. The implementation of this has pre-empted government guidance which now recommends, as best practice, that all Councils make CSE training mandatory. Whilst other authorities work to catch up with Government guidance, Woking as an Authority leads the way.

A petition was put to the Council requesting a review of the Wheelchair Policy for Hackney Carriages. The wheelchair policy had been established over a decade ago and had been

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designed to give those drivers who needed to replace their vehicles a suitable lead time in which to do so. The request of the drivers was to ask us to review this policy, and it was agreed that we should do so. Consequently we deferred the deadline for the policy for one year thus giving us time to consult and review the current situation. Those drivers who, under the previous policy would have to replace their vehicle by March 2020 were therefore allowed to continue until March 2021.

In October we also sent out 58 vehicle reminder letters, 6 Driver reminder letters and 7 Operator reminder Letters.

November 2019

Driver Applications received	14
Driver Licences issued	8
Vehicle Applications received	64
Vehicle Licences issued	58

Due to historical changes to the way licences were issued the Licensing Authority tends to get a larger proportion of drivers badges and vehicle licences expiring and needing renewal in December and March each year. This means that there is always a busy period for the staff around this time and preceding it.

The Licensing Authority also continued its work on finalising and preparing the Operators Knowledge test.

We also had cause to write to several new applicants who had not completed their application nor had they proceeded with it – and due to the time frame (with some not having made any progression on their application or made any contact in over a year) marked their applications as lapsed and notified them that the decision had been made. As was to be expected, we had no come back from this as clearly they had decided not to proceed with their applications and just had not informed us.

In November we sent out 67 vehicle reminder letters, 15 Driver reminder letters and 5 Operator reminder Letters.

December 2019

Driver Applications received	13
Driver Licences issued	53
Vehicle Applications received	62
Vehicle Licences issued	77

On the 12th of December 2019 we wrote to all Operators to advise them of the introduction of the Knowledge Test for Operators, giving them information on the test, an example question, and a list of future dates that were available.

We also had further cause to write to those with incomplete applications to notify that if they were not completed they would be cancelled.

In December we also sent out 56 vehicle reminder letters, 60 Driver reminder letters and 6 Operator reminder Letters.

January 2020

Driver Applications received	54
Driver Licences issued	15
Vehicle Applications received	77
Vehicle Licences issued	70

In the beginning of January we had cause to write to applicants (both renewal and new) to advise them of any unpaid payments that were still outstanding and wrote to a total of seventeen drivers to notify them that they had not made any payment and yet were in the process of an application.

In January, the Government made a decision to move the May Bank Holiday from the 4th of May to the 8th of May to coincide with the 75th Anniversary of VE Day. As this bank holiday was being moved this would mean that the Meters of Hackney Carriages would be out of sync (potentially charging a higher rate for a Bank Holiday when it wasn't a bank holiday – and vice versa on the 8th). On the 30th of January 2020 we sent letters out to 261 Hackney Carriage Drivers to advise them of this change and ensure that they got their Meters rectified and did not end up overcharging people.

In January we also sent out 43 vehicle reminder letters, 22 Driver reminder letters and 2 Operator reminder Letters.

February 2020

Driver Applications received	29
Driver Licences issued	13
Vehicle Applications received	39
Vehicle Licences issued	43

In February 2018, a decision was made by Woking Borough Councils Licensing Committee to introduce the requirement of a "BTEC" (or similar course) for Taxi and Private Hire Drivers within Woking Borough. The requirement was introduced with effect from the 1st of April 2018, and all existing drivers were given three years in which to complete the course. This means that current existing drivers have until the 31st of March 2021 in which to complete the course.

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In February, therefore, we wrote to all those existing drivers (455) who had not yet completed the BTEC course so that we could remind them of this obligation and get them to complete it prior to the deadline.

In February we also sent out 74 vehicle reminder letters, 9 Driver reminder letters and 16 Operator reminder Letters.

Also in February Licensing Officer Jon Herbert accepted a role within WBC's housing Department. As a result, the Licensing Department liaised with the HR Department in formulating the job specifications in order to begin hiring for the new member of staff.

March 2020

Driver Applications received	18
Driver Licences issued	32
Vehicle Applications received	61
Vehicle Licences issued	60

In March 2020 the Licensing Committee looked at several items that we had been dealing with and proposing over the previous period.

Firstly, the possible introduction of a points based system, which was received positively by both the committee and the drivers and a decision was made to consult on this and bring back to the next Licensing Committee.

Secondly, the door signs was heard again having taken on board comments received during the previous Licensing Committees and it was agreed to implement a requirement for the door signs to be vinyl stickers and not magnetic.

Thirdly, the Licensing Authority had identified an issue whereupon a particular type of vehicle had been discovered to be below the required NCAP safety rating. As the Licensing Authority had become aware of this we felt the need to bring this to the attention of the Licensing Committee and following discussion it was decided to allow the licences already issued for these vehicles. We wrote the drivers of all 18 vehicles on the 12th of March 2020 to advise them of the good news.

It's unfortunate that in March 2020, the Covid-19 Pandemic had started causing serious disruption in the UK.

As a result of the spread of Covid-19, on the 20th of March 2020, the British Government made a decision to enforce the closure of Pubs, Clubs, Restaurants, theatres etc. This meant that times would be difficult for the Pub and Taxi Trade and we would have to work out new ways of doing things to get through this. As we were not working in the office we were unable to send letters and so emailed advice, guidance and links to Drivers, Operators and vehicle owners to help them through the current situation.

At the beginning of March we also sent out 51 vehicle reminder letters, 22 Driver reminder letters and 4 Operator reminder Letters.

April 2020

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Driver Applications received	1
Driver Licences issued	17
Vehicle Applications received	28
Vehicle Licences issued	33

Towards the end of March, Derrick Laing, who had considerable experience from his previous job role before he joined the Council was requisitioned to work in the Woking Council's Covid Response Unit.

With the Civic Offices closed we were unable to have appointments for applicants meaning we were not necessarily able to carry out the proper checks. It was important to find a balancing point where we were able to ensure that we were carrying out some checks where possible and if not then we had to find solutions. If a driver was unable to have a medical but had no previous medical history then it wouldn't be fair to refuse him a licence just because the Surgeries were closed. We had to find a middle ground to this problem so that drivers did not suffer.

The following changes were made, in consultation with the Chairman and Portfolio Holder, and processed adapted.

With a driver renewal normally we require an application form, an enhanced DBS Certificate, a Medical, a DVLA Check and two Passport Photos . However not being in the office and therefore not being able to do Enhanced DBS checks, collected passport photos and with the applicants unable to do a medical we had to come to some system so those who did want to continue driving during the pandemic were not hindered. So on the assumption that drivers had no previous medical or criminal history they were able to sign a declaration stating that they had no medical or criminal history and were issued a letter permitting them to continue working for a short term period hopefully to cover them until things had returned to normal and we could resume our standard functions.

With regards to the vehicle renewal we were able to make a concession on our need to see the original documents and were able to receive scans or photos of paperwork via email however as we were not in the office we were not able to issue the physical plates and so were able to issue paper licences and cover letters for a short term period (six months) until such time that we could get back in to the office and issue the plates.

The idea behind these "paper licence" extensions was that they would be emailed over as a PDF for the driver to keep in their car or on their phone. They would continue using their expired badge and/or plate and if questioned about it produce the letter showing they were licenced. Whilst not ideal it was the best temporary solution to the problem and caused minimum hindrance to the drivers.

With most pubs and clubs closed, and most people staying at home or working from home, there was a drastic decline in work for Drivers and a large number of drivers elected not to renew at this time. The normal requirement as per our Policy is that a badge or plate that is not renewed within a certain time frame would cease to be a renewal, however in the current crisis we could see little benefit in forcing drivers to renew for a licence they were

not able to use and so these requirements were relaxed. There would be no penalty or enforcement for those who chose to wait until things were returning to normal before renewing their licence.

May 2020

Driver Applications received	3
Driver Licences issued	6
Vehicle Applications received	22
Vehicle Licences issued	19

With licences being issued on a sporadic basis due to the Covid Pandemic, we were continuing to issue licences on a short term “paper” based system. The majority of garages were open and operating and some Surgeries were still operating so we were continuing where we could.

Whilst we were unable to carry out “enhanced” DBS checks due to the civic offices being closed, we were able to ask the drivers to carry out a “basic” DBS Check. This would allow a basic level of checking and provide reassurance when issuing a licence. This allowed us to issue a Drivers Badge for six months.

During May 2020 the Licensing Department also liaised with our colleagues in Environmental Health regarding premises that were breaching the Government Covid Lockdown guidance. This resulted in warning letters being issued by Environmental Health as well as visits and letters from the Licensing Authority.

June 2020

Driver Applications received	14
Driver Licences issued	16
Vehicle Applications received	27
Vehicle Licences issued	24

By now it had become clear that, whilst the Basic DBS was suitable it wasn't suitable for a long term solution. . Liaising with our colleagues in other Licensing Authorities we were able to find a company that provided an Enhanced DBS check that could be applied for at home, safely and securely. We began discussions and contact with this company to see if it would be something that we could look in to, as we were unsure when the Civic Offices would be reopening and when we might be able to resume our Enhanced Checks.

As the Pub Lockdown continued, some drivers were having financial issues and so we worked out ways of helping where possible. If someone was not currently working (as many of them were not) then they could return their badge and plates, whereupon we would mark them as surrendered, and give them a refund for the unused period. The idea being that when they do want to work again they can renew the licence from then thus meaning they are not spending money on a licence they are not using..

Towards the end of June 2020, it was announced that the Pubs and Clubs would be able to reopen and resume trading with effect from the 4th of July. The Licensing Authority hand delivered a copy of the new Government Covid-19 guidance, to all premises in the Town Centre (with Business Continuity liaising with Premises on the outer areas). This guidance was accompanied by a cover letter asking the premises to email the Business Continuity Department with their plans for reopening, so that it could be assessed going forward.

July 2020

Driver Applications received	12
Driver Licences issued	15
Vehicle Applications received	45
Vehicle Licences issued	51

With the pubs reopening on the 4th of July, members of the Licensing Department accompanied their colleagues in Environmental Health and visited the Premises within the Town Centre to talk with them and review their plans for the impending reopening of the pubs. Generally we were very pleased with the preparations being put in place and the level of seriousness the managers of the premises were treating it with.

Further in, July 2020 brought a little hope as the number of Covid Cases seemed to be on the decline.

Derrick Laing's involvement with the Covid Response Unit started to reduce and he was able to resume his work with the Licensing Department. Similarly, after months of working from home, Matthew Cobb also resumed working in the office. A rota was put in place to ensure office cover and minimise unnecessary contact. This allowed the department to take a step towards the proper practice and start issuing badges and plates once more.

New applications starting to come in and the team started to regularise all the extensions, badges and plates issued over the last three months. Photographs for badges chased up and physical plates issued and sent out with the team working hard to clear a backlog of some 84+ plates that needed doing.

The decision was also made to begin resuming the Licensing Officer interviews. The number of applicants had been overwhelming with at least fifty applications being received. On the 30th of July 2020, Sarah Milligan accepted the job and was to begin work with us in August.

August 2020

Driver Applications received	13
Driver Licences issued	18
Vehicle Applications received	44
Vehicle Licences issued	36

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Following our investigation into Enhanced DBS checks we began the implementation of these as soon as possible, This allowed us to essentially carry out a Driver Renewal as normal, without any compromises or changes, thus ensuring that public safety was still paramount.

Sarah Milligan started with the Department towards the end of August
Sarah has picked things up very quickly and is a great asset to the team, and we hope she enjoys her time here at Woking Council.

A Consultation is currently being undertaken (today, the 14th of September) in relation to both the Wheelchair Accessible Criteria as well as the Points System and it is anticipated that both of these will be brought to the Licensing Committee in October.

The Operators Knowledge Test, BTEC and the introduction of material specifications for Operators door Signs were all discussed at Licensing Committees last year and were all given specific deadlines. However due to the interruption from Covid, we are extending these deadlines to allow a more reasonable timeframe in which not only can the applicant complete the course but also in which we will actually be able to contact, provide advice and enforce the requirements.

Going forward we are continuing to work proactively and in such a way that we are able to fulfil our primary duties in ensuring the safety of the travelling public but also minimise the impact of the changes in workstyle on the drivers and licence holders.

Appendix 2: Annual Statistics

The following figures are taken on the 14th of September 2020 and for the year 13 September 2019-13 September 2020.

	Last Year	This Year
Current number of licenced drivers	713	624
Current number of applications in process as of 14/09/20	-	56
Current number of licenced vehicles	625	522
Number of Driver applications received:	343	238
Number of Driver Licences issued:	314	229
Number of Vehicle Applications received:	773	606
Number of Vehicle Licences issued:	772	612
Number of Operator Applications received:	69	56
Number of Operator Applications issued:	68	53
Current number of Licenced Premises (inc. Clubs)	292	289
Current number of Personal Licences issued	1235	1315
Number of Personal Licences issued:	59	77
Percentage of Personal Licences issued within the statutory timeframe:	100%	100%
Number of new Premises Licences issued:	12	8
Percentage of Premises Licences issued within the statutory timeframe:	100%	100%
Number of Premises Licence variations and transfers:	95	151
Percentage of Premises Licence variations and transfers issued within the statutory timeframe:	100%	100%
Number of Temporary Event Notices' received:	216	125
Percentage of Temporary Event Notices issued within the statutory timeframe:	100%	100%

Appendix 3: Refusals, revocations and suspension

All the cases referenced below were carried out through the normal procedure – i.e. liaising with the Chair of the Licensing Committee and the Legal Services Manager prior to a decision being made and in each case any revocation or refusal was done with their full and prior approval.

13/11/2019 – Case 006170

Operator's Licence revoked on the grounds that

- i) they had knowingly given regular work (transport of vulnerable children) to an unlicensed and therefore uninsured driver.**
- ii) they had failed to comply with the conditions of their licence in that they had not properly kept records of the journeys carried out – thus breaching their licence and potentially compromising the capability of both the Licensing Authority and the Police in carrying out their duties.**

15/11/2019 – Case 003426

A Hackney drivers Licence revoked on the grounds that

- i) they had refused to take an elderly blind lady with a guide dog, in contravention of the Equality Act 2010**

18/11/2019 – Case 003294

Allegation of sexual assault from a driver on a passenger

- i) A report was received of a suspected low level sexual assault (touching a male passengers hair in an unwanted sexual manner following a flirtatious conversation)**
- ii) Following an investigation it was established that the customer was not willing to make a statement against the driver, no injury was caused, and both the Licensing Authority and the Police felt that the driver did not present a threat to the public and showed remorse for touching the customer.**
- iii) As a result – the driver accepted a Community Resolution from Surrey Police and the Licensing Authority felt that there was no requirement to take any further action.**
- iv) The driver was allowed to continue his employment as a Licenced Driver.**

28/08/20 – Case 003671

Drivers Licence revoked on the grounds that

- i) They had provided a false address on the application form**
- ii) They had provided a false address on the Disclosure and Barring Service Application**
- iii) They had provided a false address on the D4 Medical Assessment**
- iv) They had failed to notify the Licensing Authority of any change of address**